

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES)
)
)
 v.) No. 16 CR 306-1
)
BENJAMIN BIANCOFIORI,) Judge Leinenweber
a/k/a "Beanz")

GOVERNMENT'S STATUS REPORT REGARDING DISCOVERY REQUEST

The UNITED STATES OF AMERICA, by its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully submits this status report regarding defendant Benjamin Biancofiori's post-trial request for discovery, and states as follows:

1. During the course of discovery in this case, the government produced two copies of 147 discs to defendant Biancofiori's counsel. Of those 147 discs, 18 of the discs were produced on BluRay disc, due to the size and nature of the data stored on the discs.

2. On July 12, 2018, defendant Biancofiori requested that the BluRay discs be converted to DVD format so that "they can be fully viewed on computers at the MCC." Dkt. 223 at 1.

3. On August 16, 2018, the government produced DVDs of previously produced BluRay discs, specifically, the following discs:

- Disc 30, which was previously produced to Biancofiori on August 16, 2016, and includes a download of iPhone (Subject Device 16)

- Disc 31, which was previously produced to Biancofiori on August 16, 2016, and includes a download of a ZTE cell phone (Subject Device 19)
- Disc 34 (produced on two discs), previously produced to Biancofiori on August 16, 2016, and includes a download of a silver iPad (Subject Device 3)
- Disc 35, which was previously produced to Biancofiori on August 16, 2016, and includes a download of a white Samsung LG tablet (Subject Device 4)
- Disc 39, which was previously produced to Biancofiori on August 16, 2016, and includes a download of a black-colored flash drive (Subject Device 14)
- Disc 89 U (produced on three discs), which was previously produced to Biancofiori on December 20, 2016, and includes a copy of a download from an iPhone 6s Plus that was stored on the MacBook Pro
- Disc 89V, which was previously produced to Biancofiori on December 20, 2016, and includes a download of an iPhone 4 that was stored on the MacBook
- Disc 111A, which was made available for inspection on August 16, 2016, and was previously produced to Biancofiori on October 4, 2017, and includes the contents of a Toshiba external hard drive (Subject Device 12)

4. The majority of the discs that were converted to DVD, and listed above, contain pornographic content, including images and/or videos of defendant Biancofiori engaging in sexual conduct. Accordingly, those discs cannot be sent directly to the defendant at the MCC. The Bureau of Prisons understandably does not allow inmates to have unfettered access to pornography.

5. Nonetheless, the government converted the discs at the defendant's request, and provided the converted discs to Biancofiori's counsel. The defendant and his attorney have had access to the information on these discs for nearly two years.

If there is content that the defendant would like to access at the MCC, that does not contain pornography, his attorney can provide that content to him.

6. The remaining BluRay discs consist of four discs that contain only music files (including: Disc 32, previously produced on August 16, 2016; Disc 111B, previously made available on August 16, 2016, and produced on October 4, 2017; Disc 111C, previously made available on August 16, 2016, and produced on October 4, 2017; and Disc 111D, previously made available on August 16, 2016, and produced on October 4, 2017). Additionally, there are two discs that contain surveillance footage from the Hyatt Place Denver Tech hotel, which was previously produced on August 16, 2016, and which was not offered as evidence at trial. Lastly, the government did not convert two discs that contain downloads of two victims' phones/SIM card (Disc 116 and Disc 117), as those discs were previously produced on November 1, 2017, and they contain sensitive victim and third-party information that cannot be redacted.

7. Additionally, defendant Biancofiori recently filed a civil suit, pending before Judge Marvin E. Aspen, seeking the return of various electronic devices that were seized during the execution of the search warrants in this case. *See* 18 C 5464 (N.D. Illinois), Dkt. 1. The government informed Biancofiori's counsel on August 16, 2016, that it was willing to return the following devices:

- Subject Device 17 – iPhone with IMEI # 359303064076503, seized from the Biancofiori Apartment on May 11, 2016.
- Subject iPod – seized from the 2013 Cadillac XTS in Denver, Colorado.

- Subject Camera – seized from the Biancofiori Residence on May 11, 2016.
- Infinitive 32 GB flash drive – seized from the Biancofiori Residence (located in Naperville), on May 11, 2016.

8. The government remains willing to return these devices to defendant Biancofiori. The remainder of the seized devices have been determined to be instrumentalities of the crime charged as well as to include evidence of the crime charged, and will not be returned to the defendant at this time. The government will return all personal property to the appropriate party after the appellate period available for review of the underlying convictions, and the time for the resolution of any timely-filed habeas petitions, have lapsed.

Respectfully submitted,

JOHN R. LAUSCH
United States Attorney

BY: /s/Abigail L. Peluso
ABIGAIL L. PELUSO
ERIKA L. CSICSLA
Assistant United States Attorneys
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5300
abigail.peluso@usdoj.gov